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October 31, 2014

VIA ELECTRONIC CASE FILING AND HAND DELIVERY

The Honorable Thomas P. Griesa
United States District Judge for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: United States v. Prevezon Holdings Ltd., No. 13 Civ. 6326 (TPG) (S.D.N.Y.)

Dear Judge Griesa:

We represent non-parties William Browder (“Browder”) and Hermitage Capital Management Ltd. (“Hermitage”). At the October 23, 2014 hearing, Your Honor expressed concern about the transcript of the in camera portion of the October 14, 2014 hearing (the “In Camera Session”) remaining sealed and the attorney-client documents submitted in camera remaining confidential. Transcript of October 23, 2014 Oral Argument (“10/23 Tr.”) at 2:2–9. After additional discussion, Your Honor ruled that the first of those documents, see Dkt. 145-1, should remain under seal, and that the portions of the In Camera Session in which that document was discussed should also remain under seal. See 10/23 Tr. at 3:9–4:16. Pursuant to Your Honor’s ruling, the pages and lines of the transcript of the In Camera Session that should be redacted are the following: 2:22; 3:19–5:24; 6:7–8; 7:1–9:1; 9:11; 9:17–23; 11:21–12:18; 13:8–10; and 19:11–13.

In addition, on October 9, 2014, we requested permission to submit under seal three other documents embodying privileged and confidential attorney-client communications, see Dkt. 145-2, 145-3, and 145-4, under the conditions that they were being offered: (1) without prejudice to their status as “confidential information,” as defined by Rule 1.6 of the New York Rules of Professional Conduct; (2) without waiver of the attorney-client privilege or attorney work-product protection, subject to Federal Rule of Evidence 502(d); and (3) on an attorney’s-eyes-only basis solely to BakerHostetler and their expert, Roy Simon. On October 10, 2014, Your Honor approved that request, without modification, but on October 23, 2014, Your Honor announced in court an intention to unseal those three documents. Upon further reflection, we request that these three documents remain sealed, as they were originally submitted in confidence to the Court.

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Given that Mr. Browder and Hermitage provided these materials to the Court on the understanding that they would retain their status as privileged and confidential and would not be made available to anyone other than BakerHostetler and its expert, we respectfully renew our request that these materials remain under seal as well. Should Your Honor grant this request, the following additional pages and lines of the transcript of the In Camera Session should also be redacted: 2:21; 2:23–25; 9:12–14; 9:25–11:20; 12:19–13:7; 13:11–15:12; 15:16–16:2; 16:25–18:4; 21:18–19; 24:1–12; and 28:12–15.

As always, we appreciate the Court's consideration.

Respectfully submitted,



Randy M. Mastro